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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,014	08/02/2001	Ronald Leslie Major	025455-095	7185
21839	7590	07/26/2004	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			VO, HUYEN X	
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ALEXANDRIA, VA 22313-1404			PAPER NUMBER	

2655

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,014

Applicant(s)

MAJOR, RONALD LESLIE

Examiner

Huyen Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/2/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/5/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5-6 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto (US Patent No. 6577998).
3. Regarding claim 1, Yamamoto discloses an animation system which is sound activated, the system comprising:
- an input circuit for receiving an input sound signal (*S40 in figure 12*);
 - a sampler for sampling the input sound signal (*S42 in figure 12*);
 - a processor for generating a value characteristic of each sample (*S46 in figure 1, FFT algorithm is implemented in computing devices for performing frequency domain conversion*);
 - a comparator for comparing each value to a plurality of pre-stored value ranges each corresponding to a predetermined graphic (*col. 9, ln. 7 to col. 10, ln. 67*); and

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a display interface for displaying said predetermined graphics corresponding to each value sequentially (*col. 11, ln. 21-54*);

wherein, for every sample of the input sound signal, the corresponding graphic is displayed substantially simultaneously therewith, so as to generate an animation sequence synchronized with the input sound signal (*col. 10, ln. 1-67, discussing a process of synchronizing animation*).

4. Regarding claim 2, Yamamoto further discloses that the input sound signal is an analog signal and the sampler comprises an analog to digital converter (*S42 in figure 12, known in the art*).

5. Regarding claims 5-6, Yamamoto further discloses that the predetermined graphic is a mouth graphic representing a character's mouth (*col. 10, ln. 18-30*), and the display interface is arranged to display the predetermined graphics superimposed upon a display of an animated character or object (*col. 7, ln. 30-50*).

6. Regarding claim 8-10, Yamamoto further discloses that the predetermined graphics are stored in a specified directory on a hard drive of a computer (*col. 6, ln. 17-32 figures 1-3, a computer system should have a hard drive for storage*), a plurality of sets of predetermined graphics, each corresponding to a basic expression of an animated character, are stored in respective sub-directories (*col. 11, ln. 21-39*), and a software based user interface for allowing the user to

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select a desired one of a plurality of character expressions, the system selecting the set of predetermined graphics corresponding to the selected expression (*col. 11, ln. 40 to col. 12, ln. 67*).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (US Patent No. 6577998) in view of Partyka et al. (US Patent No. 6131071).

9. Claim 3 is dependent on claim 1, which is anticipated by Yamamoto for the reasons above.

10. Regarding claim 3, Yamamoto further discloses that the processor is arranged to perform a transform on the resultant signal to obtain a plurality of coefficients (*figure 12 and col. 10, ln. 1-17*), and the calculated value then being compared to the plurality of stored values (*col. 9, ln. 7 to col. 10, ln. 67*).

Yamamoto does not disclose that the processor is arranged to generate a value

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characteristic of each sample by multiplying the sample by a window, and determining the maximum magnitude of the coefficients.

However, Partyka et al. teach that a value characteristic of each sample is generated by multiplying the sample by a window (*col. 18, ln. 16-40, Hamming window*), and a step of determining the maximum magnitude of the coefficients (*col. 31, ln. 30-60*).

Since Yamamoto and Partyka et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Yamamoto by incorporating the teaching of Partyka et al. in order to minimize frequency distortion.

11. Regarding claim 4, Yamamoto, as applied in claim 3, further discloses that the sample is a digitized signal, which is multiplied by a Hamming window and wherein the transform is a Fast Fourier Transform which generates a plurality of Fourier coefficients (*figure 12 and col. 10, ln. 1-17*).

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (US Patent No. 6577998) in view of Trower, II et al. (US Patent No. 5983190).

13. Claim 7 is dependent on claim 6, which is anticipated by Yamamoto for the reasons above.

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14. Regarding claim 7, Yamamoto does not specifically disclose that the display interface comprises a monitor on which a software generated display window is shown, the animated character and the predetermined graphics being displayed within the display window. However, Trower, II et al. teach that the display interface comprises a monitor on which a software generated display window is shown, the animated character and the predetermined graphics being displayed within the display window (64 and 66 of figure 2).

Since Yamamoto and Trower, II et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Yamamoto by incorporating the teaching of Trower, II et al. in order to enable the system to display multiple applications/services to users.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

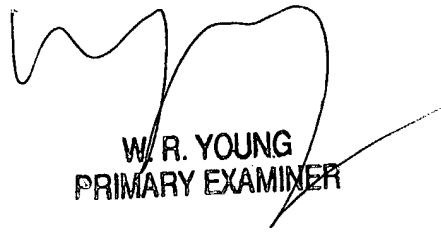
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Huyen X. Vo



July 14, 2004


W. R. YOUNG
PRIMARY EXAMINER